

REMARKS

Claims 1, 3, 48 and 52-54 currently appear in this application. The Office Action of May 2, 2006, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Election/Restriction

It is noted that the restriction requirement has been made final, and that the Examiner has examined generic claim 54 along with claim 53, the elected group. Applicants reserve the right to file divisional applications for the nonelected claims.

Rejections under 35 U.S.C. 112

Claims 3 and 54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Additionally, lines 11-12 of claim 54 are said to be unclear.

This rejection is respectfully traversed. Claim 54 has been amended to make it clear that the claimed enzyme includes a partial amino acid sequence of SEQ ID NO:1, 11 or

18, and to make it clear that Ca^{2+} stabilizes the enzyme. Support for stabilization can be found in the specification as filed at page 81, last paragraph. Claim 53 has been amended to correct self-evident typographical errors.

Claims 3, 53 and 54 are rejected under 35 U.S.C. 112, first paragraph, because the specification is said to enable only a native α -isomaltosylglucosaccharide forming enzyme wherein the enzyme is specifically isolated from a wild type non-recombinant *B. globisporus* N75 deposited a FERM BP-7591, and having the physicochemical properties recited.

This rejection is respectfully traversed. It is respectfully submitted that by there is support for the sequences of SEQ ID Nos: 1, 11 and 18, in the specification as originally filed at page 33, line 8 and claim 5.

Claims 3, 53 and 54 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

This rejection is respectfully traversed. Claim 54 has been amended to recite that the enzyme contains a partial amino acid sequence of SEQ ID NO:1, 11 or 18. Coupled with the physicochemical characteristics of the enzyme, this

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information should be sufficient information to describe the enzyme claimed herein.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

Respectfully submitted,

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